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December 12, 2011

Leary Reed Goodwin  
USP Allenwood, ID No. 17219-037  
Post Office Box 3000  
White Deer, PA 17887Re: *Goodwin v. United States*  
Case Nos.USCA 07-4059;  
USDC 04-cr-00235-RWT-1

Dear Mr. Goodwin:

Reference my earlier correspondence dated November 7<sup>th</sup>, and 16<sup>th</sup>, 2001. Attached to this missive you will find an Amended Motion to Withdraw from the above captioned case. As mentioned before although you have lost your appeal it is my duty to advise you that you have the right to file a writ of certiorari with the United States Supreme Court. Should you decide to do so, the petition for writ must be filed within ninety (90) days of the mandate issued by the United States Court of Appeals. While you have this right, **it is my professional opinion that the petition would be frivolous.**

My opinion is based on Rule 10 of the United States Supreme Court. This rule lists the considerations of the Court in deciding whether to grant review. Unfortunately, your case does not present a compelling reason in the way of a novel or complex issue. Nor will it resolve a conflict of decisions amongst the various circuits. The major issue in your case was decided earlier this year in the case of *DePierre v. United States*. There are no other meritorious issues in your case that warrant review by the high court.

Though you may not have the basis for a winning case on the record, you may be able to develop one through a motion filed under 28 USC §2255. The post-conviction proceeding under §2255 allows the petitioner to present facts and circumstance occurring outside of the courtroom that impacted on the proceeding. Although one is not entitled to an attorney under §2255 one may be appointed at the discretion of the court under 18 USC §3006A. Please bear in mind that you must file the petition within one (1) year of the date of your conviction.

You are further advised that **you have seven (7) days from the date of receipt to file a response to the Motion to Withdraw.** Should you have any question upon receipt of this letter please don't hesitate to call me. Should you decide to write please take note of my new mailing address which appears on the letterhead.

Sincerely,

Anthony D. Martin

ADM